

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOHN LIDELL

PETITIONER

V.

CIVIL ACTION NO. 3:23-CV-189-HTW-ASH

**WARDEN,
CENTRAL MISSISSIPPI CORRECTIONAL FACILITY**

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THIS COURT is the Report and Recommendation [**Docket No. 9**] of the United States Magistrate Judge F. Keith Ball. In his Report and Recommendation, filed December 4, 2023, Magistrate Judge Ball recommended that Petitioner, John Lidell’s petition for writ of habeas corpus be dismissed with prejudice. Magistrate Judge Ball directed the Petitioner to file any written objections within fourteen (14) days. To date, Petitioner has not filed any objection.

Based upon the findings and recommendation contained in the Report and Recommendation [**Docket No. 9**], this Court finds it well-taken. The Magistrate Judge found the Petitioner’s petition was untimely, and the Petitioner failed to establish an exception to the Anti-Terrorism and Effective Death Penalty Act of 1996 (“ADEPA”). This Court agrees with the Magistrate Judge as the Order of this Court.

This Order, commensurately, hereby **DISMISSES** the instant petition **WITH PREJUDICE**.

SO ORDERED this the 6th, day of May 2024.

/s/Henry T. Wingate
UNITED STATES DISTRICT JUDGE